

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Gary K. Michelson, M.D.)
)
Serial No.: (Div. of 09/792,679)) Group Art Unit: (3738)
)
Filed: September 29, 2003) Examiner: (D. Willse)
)
For: INTERBODY SPINAL FUSION)
)
IMPLANT HAVING A REDUCED)
)
WIDTH AND AN ANATOMICALLY)
)
CONFORMED TRAILING END)

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed concurrently with the above-referenced application.

Copies of the listed documents were previously submitted and/or cited in a prior application, Serial No. 09/792,679, filed February 22, 2001; or Serial No. 09/263,266, filed March 5, 1999, now U.S. Patent No. 6,241,770; upon which applicant relies for the benefits provided in 35 U.S.C. § 120. Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

Please note that ES 283078 is related to U.S. Patent No. 4,877,020; JP 57-29348 is related to U.S. Patent No. 4,349,921; and JP 61-122859 is related to U.S. Patent No. 4,759,766.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

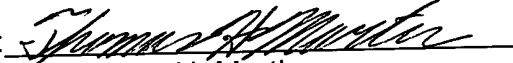
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: September 29, 2003

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Substitute for FORM PTO-1449	Attorney Docket Number 101.0059-02000	Customer No. 22882	
INFORMATION DISCLOSURE CITATION IN AN APPLICATION	Applicant Gary K. Michelson, M.D.	Application Number (Div. of 09/792,679)	
(Use several sheets if necessary) Sheet <u>1</u> of <u>4</u>	Filing Date September 29, 2003	Group Art Unit (3738)	Examiner (D. Willse)

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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
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	3,426,364	2/1969	Lumb			
	3,848,601	11/1974	Ma et al.			
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	283078	5/1985	Spain			U.S. Equivalent 4,877,020
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EXAMINER		DATE CONSIDERED
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.		